

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #5	CCRB Case #: 201707985	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/15/2017 10:15 AM	Location of Incident: Central Park Driveway and Columbus Circle	Precinct: 22	18 Mo. SOL 3/15/2019	EO SOL 3/15/2019	
Date/Time CV Reported Thu, 09/28/2017 10:00 AM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Thu, 09/28/2017 10:00 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Kandice Hall	13716	955833	047 PCT
2. POM Giuseppe Cutaia	72	938309	112 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Giuseppe Cutaia	Abuse: Police Officer Giuseppe Cutaia stopped § 87(2)(b)	
B.POF Kandice Hall	Abuse: Police Officer Kandice Hall stopped § 87(2)(b)	
C.POM Giuseppe Cutaia	Force: Police Officer Giuseppe Cutaia used physical force against § 87(2)(b)	
D.POF Kandice Hall	Force: Police Officer Kandice Hall used physical force against § 87(2)(b)	

### Case Summary

This complaint was filed by § 87(2)(b) on September 28, 2017 with the CCRB by mail.

On September 15, 2017, at approximately 10:15 a.m., § 87(2)(b) was walking in the vicinity of Central Park Driveway and Columbus Circle in Manhattan. While walking, § 87(2)(b) was stopped by PO Giuseppe Cutaia of the 112<sup>th</sup> Precinct and PO Kandice Hall of the 47<sup>th</sup> Precinct (**Allegation A-B: Abuse of Authority**, § 87(2)(g)). The officers were assigned to a paid security detail at a bicycle rental stand in Central Park. PO Cutaia pushed § 87(2)(b) (**Allegation C: Force**, § 87(2)(g)). PO Hall allegedly pushed § 87(2)(b) causing her to § 87(2)(b) to the ground (**Allegation D: Force**, § 87(2)(g)).

No arrests or summonses resulted from this incident.

The video evidence recovered of this incident did not capture the alleged actions (BR01-02).

### Findings and Recommendations

**Allegation A – Abuse of Authority: Police Officer Giuseppe Cutaia stopped § 87(2)(b)**

**Allegation B – Abuse of Authority: Police Officer Kandice Hall stopped § 87(2)(b)**

§ 87(2)(b) testified that she entered Central Park through the entrance near Columbus Circle (BR03). § 87(2)(b) intended to walk through the park to get to a friend. As she was walking, PO Cutaia and PO Hall stepped in front of her and would not let her pass. PO Cutaia and PO Hall told her she could not be in the park and could not be in that area. § 87(2)(b) told the officers the park was a public place and she could walk wherever she wanted. § 87(2)(b) tried to walk around the officers but they still would not let her pass.

§ 87(2)(b) and § 87(2)(b) were named by § 87(2)(b) and were identified as witnesses to this incident. § 87(2)(b) is a § 87(2)(b). Both witnesses were consistent in describing that they were familiar with § 87(2)(b) because she regularly works in the area soliciting § 87(2)(b). Both witnesses described that on the incident date § 87(2)(b) had been walking around soliciting customers.

§ 87(2)(b) in Central Park. An employee of the business, only identified as § 87(2)(b) was identified as a witness to this incident. § 87(2)(b) and PO Cutaia both named § 87(2)(b) as being present when the incident occurred. § 87(2)(b) described that § 87(2)(b)

Solicitors for rival companies are prohibited from advertising anywhere in Central Park. However, employees of

§ 87(2)(b) typically only instruct officers to keep solicitors away from the area immediately surrounding the rental stands.

§ 87(2)(b) submitted video which was recorded by § 87(2)(b). The video depicts the end of the incident in which § 87(2)(b) and other bystanders are arguing with the officers. In the video, § 87(2)(b) is seen holding advertising materials before placing it in her backpack. A screenshot from the video is included below on the left which shows § 87(2)(b) holding these materials (BR07). Embedded below on the right is a screenshot from the video of a sign positioned on the sidewalk next to the officers which states verbatim: “Official Authorized Bike Rental. Central Park Concession licensed by NYC Parks. No other individual or business is authorized to provide bike rentals at this location” (BR08).



PO Cutaia and PO Hall provided the following generally consistent testimony (BR09-10). The officers were assigned to a paid security detail for § 87(2)(b).

§ 87(2)(b) The officers were instructed by an employee that the business § 87(2)(b)

§ 87(2)(b) An employee of the company pointed out § 87(2)(b) as a known solicitor. Shortly after their tour started, the officers observed § 87(2)(b) walking around soliciting customers. In addition to being informed of such by the employee, the officers believed she was soliciting because she was carrying a folder with flyers and she was talking to people making statements such as “Come see what I have” and “I have better bikes.” § 87(2)(b) tried walking past the officers who were posted near the rental stand. The officers believed she was attempting to solicit near the rental stand at the time because she was still carrying the aforementioned folder. The officers stopped her from proceeding and did not let her pass because she was prohibited from soliciting in that area.

NYC Parks Rules and Regulations §1-04 (s) regarding unlawful solicitation states: “No person shall engage in any commercial activity or commercial speech in any park, except pursuant to a

permit issued under § 1-03(b) and/or § 2-08 of these rules. Violation of this paragraph constitutes a misdemeanor” (BR11).

§ 87(2)(g)

**Allegation C – Force: Police Officer Giuseppe Cutaia used physical force against § 87(2)(b)**

**Allegation D – Force: Police Officer Kandice Hall used physical force against § 87(2)(b)**

§ 87(2)(b) testified that after the officers stood in her way and told her she could not pass, she stated, “This is a public place. I can walk wherever I want.” § 87(2)(b) tried to walk around the officers but they remained in her way. § 87(2)(b) repeated, “Listen, I have to keep going. Excuse me, this is a public place.” PO Cutaia pushed § 87(2)(b) a few times in the chest but without much force. § 87(2)(b) complained to PO Cutaia that he was sexually harassing her. PO Hall then pushed § 87(2)(b) with much greater force which caused § 87(2)(b) to lose her balance. § 87(2)(b) said, “You cannot do what you’re doing. PO Hall pushed § 87(2)(b) again. Because § 87(2)(b) was already off balance she fell backwards on to her bottom. § 87(2)(b) did not sustain any injuries due to this incident. Additional officers arrived. § 87(2)(b) explained to them what happened and she was advised on how she could file a complaint.

§ 87(2)(b) and § 87(2)(b) both stated that their attention was diverted to an interaction between § 87(2)(b) and the officers by an audible commotion in which the officers were telling her that she could not pass. § 87(2)(b) briefly verbally contested why she could not pass before PO Hall shoved her to the ground. § 87(2)(b) was not making any movements before she was pushed.

§ 87(2)(b) the employee of the rental stand, stated she heard a commotion behind her as she was helping a customer. § 87(2)(b) turned around and saw § 87(2)(b) walking into the officers. § 87(2)(b) was watching this incident from behind the officers and could not tell if PO Hall pushed § 87(2)(b) only saw that PO Hall had raised her arms in front of her as § 87(2)(b) was walking forward. Almost immediately, § 87(2)(b) fell to the ground.

PO Cutaia testified that he was posted near the rental stand. § 87(2)(b) approached and stated she wanted to speak with an employee of the rental stand. PO Cutaia believed § 87(2)(b) intended to solicit customers, as described above, and did not let her pass. PO Cutaia told § 87(2)(b) she had to go around. § 87(2)(b) stated, “I’m going to walk through you.” PO Cutaia repeated his instruction that she had to go around. § 87(2)(b) stated, “No, I’m still going to go through you.” § 87(2)(b) walked toward PO Cutaia until she was within arm’s reach away. PO Cutaia placed an open palm on § 87(2)(b) s shoulder and stiffened his



**Mediation, Civil and Criminal Histories**

- This complaint was suitable for mediation and it was offered to § 87(2)(b) over the phone and during her interview. § 87(2)(b) chose to have her complaint investigated.
- The NYC Comptroller's Office responded to a request indicating that no notice of claim has been filed by § 87(2)(b) regarding this incident (BR15).
- § 87(2)(b), § 87(2)(c)

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Squad No.: 5

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date